REMARKS

Claims 11-16 are pending. By this Amendment, claims 1-10 are canceled without prejudice or disclaimer and claims 11-16 are added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Claims 1-9 were rejected under 35 U.S.C. § 112, 2nd paragraph. Claims 1-9 have been canceled without prejudice or disclaimer, thus rendering moot the rejection. Claims 11-16 have been added and clearly recite the layers in order.

Prior to addressing the prior art rejections, it is respectfully noted that page 4, paragraph number 9, of the Office Action rejects claims 1-4, 9 and 10 over Okubo '642. However, page 2, paragraph number 5, already contains a rejection of claims 1-4, 9 and 10 over Okubo '642. It is also respectfully noted that there are no prior art references to Okubo that contain the paragraph numbers referred to on page 4, paragraph number 9.

It is further respectfully noted that page 5, paragraph number 14, rejects claims 1-4, 9 and 10 over Okubo '258. The description of the reference refers to Yusu et al. '915, which was applied against claims 1-10 on page 5, paragraph number 13. It is respectfully noted that there is not Okubo '258 on either the PTO-1449 or the PTO-892.

It is respectfully submitted that the two rejections discussed above can not be addressed as required by 37 C.F.R. § 1.111 until clarification of the applicable prior art references is provided.

Claims 1-4, 9 and 10 were rejected under 35 U.S.C. § 102(b) over Okubo (U.S. Patent 6,064,642); claims 1-10 were rejected under § 102(b) over Okubo (Japanese Patent Application Publication 2001-319370); claims 1-4 and 7-10 were rejected under § 102(b) over Nakakuki et al. (Japanese Patent Application Publication 2002-74739); claims 1-4 and 9 were rejected under § 102(b) over Yoshinari et al. (U.S. Patent 6,333,913); claims 1-4, 9 and 10 were rejected under § 102(b) over Nakakuki et al. (U.S. Patent 6,406,771); claims 1-4 and 9 were rejected under § 102(b) over Kunitomo et al. (U.S. Patent Application Publication 2001/0003641 A1); and claims 1-4 and 9 were rejected over Yusu et al. (U.S. Patent 6,296,915). The rejections are respectfully traversed.

Claim 11 recites, inter alia, a third dielectric layer having a predetermined thermal conductivity and arranged on the second dielectric layer, a fourth dielectric layer having a fourth refractive index and arranged on the third dielectric layer, and a phase change recording layer which changes between a crystalline state and an amorphous state when irradiated with a light beam, and which is arranged on the fourth dielectric layer, wherein a thermal conductivity of each of the first, second and fourth dielectric layers is lower than the predetermined thermal conductivity of the third dielectric layer.

Claim 14 recites, *inter alia*, a second dielectric layer having a predetermined thermal conductivity and arranged on the first dielectric layer, a third dielectric layer having a third refractive index and arranged on the second dielectric layer, a fourth dielectric layer having a fourth refractive index and arranged on the third dielectric layer having the third refractive index, anda phase change recording layer which changes between a crystalline state and an amorphous state when irradiated with alight beam, and which is arranged on the fourth dielectric layer, wherein a thermal conductivity of each of the first, third and fourth dielectric layers is lower than the predetermined thermal conductivity of the second dielectric layer.

As disclosed for example, on page 55, line 11 through page 56, line 13, and Figure 7, and for example on page 35, lines 23-37 and Figure 9, an advantage of the inventions defined by claims 11 and 14 is that a dielectric layer having a predetermined thermal conductivity larger than its neighboring dielectric layers, and formed at a position close to the phase change recording layer provides an especially conspicuous cross erase reduction effect. The overwrite repetitive durability and high erase characteristic are also improved.

None of the applied prior art disclose or suggest the structure, characteristics, and advantages of the optical recording medium recited in claims 11 and 14 as discussed above. Accordingly, none of the applied prior art anticipate or render obvious claims 11 and 14.

Claims 12, 13, 15 and 16 recite additional features of the invention and are allowable for the reasons discussed above with respect to claims 11 and 14 and for the additional features recited therein.

Reconsideration and withdrawal of the rejections are respectfully requested.

In view of the above remarks, it is respectfully submitted that all of the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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